UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/147
16 February 2001

Original: ENGLISH AND
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Written statement*/ submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2001]

---

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE. *2001-0333*

ENG

Obstacles to the right to development: control of natural resources by transnational corporations

The *International League for the Rights and Liberation of Peoples (LIDLIP)* has for the last years been concerned with the activities of world oil's companies and in particular with those of **ELF Aquitaine** in Africa. On the basis of numerous witnesses and documents, it appears that in order to increase their profits in ever more competitive markets, the companies are obliged to accumulate and concentrate power. That is done on the one hand by merging among themselves into ever more powerful transnational corporations and on the other hand by relying more and more on local political powers. This is a process which can even lead them to crush the fundamental rights of the peoples whose natural resources they are exploiting. They succeed in this performance even more easily as they collude with political powers in place.

Therefore, on the basis of findings of the *Permanent Peoples' Tribunal* (*) Elf-Aquitaine stands as:

> "An autonomous public enterprise which applies common trade law and that of the sovereign African states. In reality, the management of oil business is assured by a parallel and obscure decision-making process involving French political leaders, company managers and African political leaders. They rely on the confidentiality of state services, protected by official secrecy. In this system, ELF, in all company consortiums where it is present in Africa, plays the role of a shareholder that holds a priviledged relationship with the public sectors, which allows it to register its activity under the framework of specific discretionary settlements authorizing the maximization of tax and financial deductions. [...]
> Such dynamics may converge to produce social and political instability of African states, going as far as inciting foreign companies to get involved in police operations of a state and furthering risks of civil war, even war between states. That is how Africa has become a permanent battle field. In fact, disintegration of the apparatus of sovereignty and the weakening of economic regulation have gone so far as to cause renunciation of public standards to the point of privatization of state functions and criminalization of its practices."

Such realities occur differently from one country to another.

> "In an extreme, there is Chad where oil pumping has not yet started but where the most spectacular conditions of alienation already exist with social rules reduced to a minimum. On an economic level, the set up for the exploitation and transport of oil via Cameroon presages a huge plundering:
> - secrecy concerning tax reserves, their squandering and confiscation;
> - projected launching of a refinery programmed for bankruptcy in order to drain off financial resources at the time of initial investment, during ten years of exploitation and at the time of liquidation;
> - predicted deterioration of the immense underground water tables, the only wealth of the region ...
>
> On a political level, the civil and military authority are entirely controlled by the oil companies even before the start up of production. More seriously, the Chadian army

has already been playing the role of the police in a great number of regional conflicts for several years. To this respect, one can already speak of terrorism in action.
At another extreme, there is Cameroon where for twenty years oil revenues have totally escaped every public accountability, be it national or international and where misapproprations regularly exceed a third of the project's income. Such practices have of course been possible because of the political arbitrariness and because of a lack of any institutionalized law enforcement making particular institutionalized violence unnecessary.

Without any doubt, ELF is not the only transnational corporation in the oil sector, but
"ELF is an exemplary case which does not hesitate to commit human and peoples' rights violations.

"ELF and the French State systematically denied peoples' rights to sovereignty. As an illustration, only a few cases emphasized in the reports and witnesses, among those presented to the Tribunal, are mentioned hereafter.

ELF and the French state are responsible for systematic and repeated violations of civil and political rights.
In Gabon, ELF co-finances and organizes the presidential guard, which takes the lead in repression. In Nigeria, ELF makes its own paramilitary security forces intervene to protect its oil installations (April 1999, complaints lodged for aggression of women and children wounded by bullets). Furthermore, the Nigerian police assures the repression of women's demonstrations asking ELF to guarantee agreements passed with the communities. In Cameroon, as in other countries, intimidation against journalists and restrictions of freedom of expression, of assembly and of trade union rights, all instigated by ELF are innumerable. All those who in one way or another contest ELF and ask that agreements be renegotiated are persecuted or disappear.

ELF and the French state are responsible for systematic and repeated violations of democratic rights. In Cameroon, President Biya holds power only with the support of ELF. In Gabon, after having reestablished Leon M'Ba in power, ELF chose Bongo to succeed him. In Chad, the accord with ELF allowed Dely to accede to power. Everywhere, generalized corruption poisons the whole society and leads to despair. In Cameroon, for instance, the secretary general of presidency Titus Edzoa who participated in the government before being poisoned without trial, revealed the breadth and depth of the systematic corruption. States are weakened, privatized and perverted. ELF and the French state are responsible for systematic and repeated violations of rights to development. In Cameroon, for years, oil income has been kept secret, as the sole discretion of the president. Between 30 and 50% of budgetary revenues were invested abroad while the population had no access to basic services. In Chad, financing of the refinery is considered as a major waste even by the World Bank; such investment serving to embezzle funds allocated for military interventions. The rights of future generations are flouted in Congo Brazzaville, as in all countries in which ELF operates. The countries are more and more indebted, capital flight being compensated for by the advance sale of the production and by indebtedness.

ELF and the French state are responsible for systematic and repeated violations of the right of people to peace. The French oil magnates encouraged the secession of Biafra. In Angola, they intervened preventing Savimbi and Dos Santos' victory thus further

prolonging the suffering of the Angolan people. They supported in arms and finance all the warring parties present in Congo Brazzaville, in Mobutu's Zaire, in Central Africa, in Rwanda, in Sudan. They utilized Gabon as a platform for arms sale and mercenaries in Biafra, in Benin. They contributed through civil wars and interventions to general and continued destabilization of Africa."

In total,

"although ELF maintains its own juridical personality, the Tribunal observes the persistence of close links between the company and the French state. The legitime research for energy independence by France has always implied the imposition of a system of domination instead of a relationship of interdependence and of integration on the basis of equality, at least potentially."

(*)The ***Permanent Peoples' Tribunal*** was created in 1979 by a group of personalities, of different nationalities and background, at the instigation of the Italian Senator Lelio Basso (1903-1978), former member of the Russell Tribunal. Functioning as a tribunal of opinion, this international body receives complaints from peoples subjected to injustice of any kind. As such, the Tribunal aims to fill a void in the international judicial order in the field of rights of national communities or ethnic minorities. Since its founding, it has investigated and deliberated some 30 cases. A session held in May 1999 in the premises of the National Assembly in Paris dealt specifically with the activities of transnational corporations.